



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE. 11th Avenue
Portland, Oregon 97232-4181

IN REPLY REFER TO:

AES-CCP

APR 16 2004

J.L. Storedahl & Sons, Inc.
Kimball L. Storedahl, Vice President
2233 Talley Way,
Kelso, Washington 98626

Dear Mr. Storedahl:

Enclosed is a copy of your Endangered Species Act 10(a)(1)(B) Incidental Take Permit for the Daybreak Mine Habitat Conservation Plan (HCP). This permit authorizes incidental take of the federally threatened bull trout (*Salvelinus confluentus*), as well as four unlisted species should they become listed during the term of the permit. We look forward to helping you to implement your HCP.

Thank you for helping to conserve species. If you have any questions about this permit please contact Mr. Ken Berg, Project Leader of our Western Washington Fish and Wildlife Office, at (360) 753-9440.

Sincerely,


Carolyn A. Berken
Acting Deputy Regional Director



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

J.L. STOREDAHL & SON'S, INC.
2233 TALLEY WAY
KELSO, WA 98626
U.S.A.

2. AUTHORITY-STATUTES

16 USC 1533(d)
16 USC 703-712

REGULATIONS (Attached)

50 CFR 17.32
50 CFR 21.23
50 CFR 21.27
50 CFR 13

3. NUMBER

TE064055-0

4. RENEWABLE

☒ YES
☐ NO

5. MAY COPY

☒ YES
☐ NO

6. EFFECTIVE

7. EXPIRES

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

KIMBALL L STOREDAHL
VICE PRESIDENT

9. TYPE OF PERMIT

THREATENED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

The Daybreak Mine site is located approximately 3.5 miles southeast of La Center and approximately 4.5 miles northwest of Battle Ground in Clark County, Washington, along the East Fork Lewis River.

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.
- D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

SIGNED BY

Kimball L. Stordahl

TITLE

ASST

Deputy Regional Director

DATE

APR 16 2004

U.S. Fish and Wildlife Service, Portland, Oregon
Special Terms and Conditions for Permit Number
(TE064055-0)

- E. All sections and provisions of Title 50 Code of Federal Regulations, parts 13 and 17, are conditions of this permit.
- F. The authorization granted by this permit is subject to full and complete compliance with and implementation of the Daybreak Mine Expansion and Habitat Enhancement Project Habitat Conservation Plan (HCP) and executed Implementing Agreement (IA), both of which are hereby incorporated into the permit.
- G. The Permittee and their designated agents are authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take (injure, kill, harass, and/or harm) the federally threatened bull trout (*Salvelinus confluentus*) within the action area (as described in the HCP), to the extent the take of this species would otherwise be prohibited under section 9 of the Act, and its implementing regulations, or pursuant to a rule promulgated under section 4 (d) of the Act. Take must occur incidental to otherwise lawful activities associated with the expansion and operation of the Daybreak Mine and its ancillary facilities, and with implementation of the HCP and IA, and as conditioned herein.
- H. Take authorization would become effective for 4 currently unlisted species: coastal cutthroat trout (*Oncorhynchus clarki clarki*); pacific lamprey (*Lampetra tridentata*); river lamprey (*Lampetra ayresi*); and the Oregon spotted frog (*Rana pretiosa*), concurrent with the listing of these species under the Act. If any of these species is listed, take is authorized to the extent that take of these species would otherwise be prohibited under section 9 of the Act and its implementing regulations, or pursuant to a rule promulgated under section 4(d) of the Act. Take must occur incidental to otherwise lawful activities associated with the expansion and operation of the Daybreak Mine and its ancillary facilities, and with implementation of the HCP and IA, and as conditioned herein.
- I. Upon locating any dead, injured, or sick individuals of any of the Covered Species, the Permittee shall, within 3 working days, notify the Fish and Wildlife Service's Western Washington Fish and Wildlife Office (360-753-9440). The notification shall include the date, time, and location of the specimen, a photograph, cause of death, if known, and any other pertinent information. Care should be taken in handling the dead specimens to preserve biological material in the best possible state for later analysis.
- J. Reports as described in Section 5 of the Habitat Conservation Plan shall be submitted to the Project Leader, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Dr. SE, Suite 102, Lacey, Washington 98503 and to the Deputy

Regional Director – Ecological Services, U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232.

- K. The Permittee will immediately notify the Fish and Wildlife Service at the above phone number if any Oregon spotted frogs are confirmed to be present on the project area.
- L. Consistent with Regional Fish and Wildlife Service policy, pesticide use is not a Covered Activity under the permit.
- M. Permittee shall refer to the appropriate permit number in all correspondence and reports concerning permit activities. Any questions you may have about this permit should be directed to the Project Leader, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, at the above mentioned address or number.
- O. A copy of this permit must be in the possession of the Permittees and designated agents while conducting taking activities.